



December 2, 2011

Theodore F. Dragotta
TD Investments LLP
18500 Patti Lane
Brookfield, WI 53045-3886

SUBJECT: Case Closure Denial for Incomplete Site Investigation
5110-5116 West Lincoln Avenue, West Allis
FID# 241321080 BRRTS# 02-41-118648

Dear Mr. Dragotta:

On October 17, 2011, the Department of Natural Resources (Department) received a case closure request from your consultant, Environmental & Development Solutions, Inc. (EDS), for the site referenced above. The Department reviews environmental remediation cases for compliance with state rules and statutes. After careful review of your closure request, the Department has denied closure because additional requirements must be met. The purpose of this letter is to inform you of additional site work that is necessary in order to meet the requirements for site closure.

Your site was denied closure because delineation of the extent and magnitude of lead and arsenic contamination has not been completed. On June 21, 2011, EDS called to discuss additional site investigation activities necessary to address the Department's August 8, 2005 letter and move the site toward case closure. The Department suggested that shallow soil samples be collected from the neighboring Grebe's Bakery property to the west, or from the very far northwest corner of your (the source) property, to evaluate if deposition of airborne lead and arsenic contamination (smelter exhaust particulates) has occurred off property or the contamination is predominantly limited to the property and due to disposal of smelter waste materials at the facility.

Based on the recently installed and sampled soil boring, P-21, the lead and arsenic contamination appears to extend onto the Grebe property; however, the boring was not located far enough away from the known contamination area (i.e., onto the Grebe property) to make a determination regarding mode(s) of deposition.

Please have your consultant conduct the following:

- Collect soil samples from off property locations (see general areas shown on enclosed Google map) for evaluation of possible airborne deposition of smelter exhaust particulates. Collect the samples from the upper 2 inches of unpaved surface soil and have them laboratory analyzed for lead and arsenic.

At this time, it might be easiest to limit off-property sampling to unpaved public right-of-way areas to minimize access issues. However, concentrations will likely be elevated near roadways due to historic vehicular exhaust deposition. Therefore, sampling locations should radiate outward from the site in several directions (especially to the south, east, and west) to a distance of at least one city block. Select locations that are similar (e.g., the area between the street and sidewalk midway between driveways) and are known to not have been significantly disturbed or altered during and after the period of smelter operations.

Concentrations due to deposition from the former smelter facility would be expected to decrease with distance from the site; whereas, concentrations due to vehicular deposition along roadways would likely be relatively uniform away from the site.

You may want to submit a proposed sampling plan (with appropriate review fee) to the department for review before initiating the sampling.

- Provide a general history (1940 to 1980) and specifications (layout and construction) of the Grebe's Bakery property and building(s) nearest the subject property.

We appreciate your efforts to protect the environment at this site. If you have any questions regarding this letter, please contact me at (414) 263-8631 or StephenD.Mueller@Wisconsin.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen D. Mueller', with a long, sweeping horizontal line extending to the right.

Stephen D. Mueller
Project Manager/Hydrogeologist
Bureau for Remediation & Redevelopment
Southeast Region

Enclosure: Google map showing suggested sampling areas

cc: Trenton Ott - EDS



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